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EXAMINER	
DAO, THUY CHAN	
ART UNIT	PAPER NUMBER
2192	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/04/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/644,656

Applicant(s)

SIMONS ET AL.

Examiner

Thuy Dao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 and 49-62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 and 49-62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 37-48 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 12/15/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to the application filed on August 20, 2003.
2. Claims 1-36 and 49-62 have been examined.

Restrictions/Election

3. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - (I). Claims 1-36 and 49-62 are drawn to a method, a computer system for creating a task library on a computer, classified in class 717/100.
 - (II). Claims 37-48 are drawn to an integrated help system comprising help information, classified in class 715/705.
4. Inventions (I) and (II) are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, the subcombinations have separate utilities such as (I) directs to a method, a computer system for creating a task library on a computer, and (II) directs to an integrated help system comprising help information. See MPEP § 806.05(d).

The examiner has required restriction between subcombinations usable together. Where applicant elects a subcombination and claims thereto are subsequently found allowable, any claim(s) depending from or otherwise requiring all the limitations of the allowable subcombination will be examined for patentability in accordance with 37 CFR 1.104. See MPEP § 821.04(a). Applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

5. Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required

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because the inventions have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

6. During a telephone conversation with Mr. Powell (Reg. No. 53,479) on March 27, 2007, a provisional election was made without traverse to prosecute the invention of group (I), claims 1-36 and 49-62. Affirmation of this election must be made by applicant in replying to this Office action. Claims 37-48 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Information Disclosure Statement

7. The Office acknowledges receipt of the Information Disclosure Statement filed on December 15, 2003. It has been placed in the application file and the information referred to therein has been considered by the examiner.

Claim Rejections – 35 USC § 101

8. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

9. Claims 1-9, 13-21, and 61 are rejected because they are not directed to a practical application that produces a useful, concrete, and tangible result – see MPEP 2106(IV)(C)(2)(2).

Claim 1 is the representative claim. Claim 1 directs to a method for creating a task library on a computer and recites the steps of obtaining task data (line 2), generating task links (lines 3-4), and storing the task data and the task links as the task library (line 5), which do not produce a useful, concrete, and tangible result.

The examiner notes that the focus is not on whether the steps taken to achieve a particular result are useful, tangible, and concrete, but rather on whether the final result

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achieved by the claimed invention is "useful, tangible, and concrete" – MPEP 2106(IV)(C)(2)(2).

Claims 2-9 and 14-21 do not provide any further limitations which produce a useful, concrete, and tangible result and are also rejected with the same reasons above (in contrast with claims 10 and 22, wherein "*the task data comprises reference information to assist a user ...*", emphasis added).

Under the principles of compact prosecution, claims 1-24 and 61 have been examined as the Examiner anticipates the claims will be amended to obviate these 35 USC §101 rejection.

10. Claims 13-24 are rejected because the claimed invention is directed to non-statutory subject matter: "*A task library accessible to a computer, comprising task data ... and task links ...*".

They amount to Functional Descriptive Material: "Data Structures" representing descriptive material per se or "Computer Programs" representing computer listings per se.

Data structures not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer. See, e.g., Warmerdam, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held nonstatutory). Such claimed data structures do not define any structural and functional interrelationships between the data structure and other claimed aspects of the invention which permit the data structure's functionality to be realized. In contrast, a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory.

Similarly, computer programs claimed as computer listings per se, i.e., the descriptions or expressions of the programs, are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional

interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized. In contrast, a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory. See Lowry, 32 F.3d at 1583-84, 32 USPQ2d at 1035. Accordingly, it is important to distinguish claims that define descriptive material per se from claims that define statutory inventions. See MPEP 2106.

Under the principles of compact prosecution, claims 13-24 have been examined as the Examiner anticipates the claims will be amended to obviate these 35 USC § 101 issues.

11. Claims 61-62 are directed to a computer-readable medium bearing computer-readable instructions, which may include a hard disk, other types of media (specification, page 5, lines 20-22), and the like (page 5, line 23), which may include transmission media (page 6, lines 18-21).

A computer-readable medium product is a tangible physical article or object, some form of matter, which a signal is not. That the other two product classes, machine and composition of matter, require physical matter is evidence that a manufacture was also intended to require physical matter. A signal, a form of energy, does not fall within either of the two definitions of manufacture. Thus, a signal does not fall within one of the four statutory classes of Sec. 101.

See Annex IV (c) Electro-Magnetic Signals, Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility (signed October 26, 2005) - OG Cite: 1300 OG 142. Online version can be retrieved at <<http://www.uspto.gov/web/offices/com/sol/og/2005/week47/patgupa.htm>>.

Under the principles of compact prosecution, claims 61-62 have been examined as the Examiner anticipates the claims will be amended to obviate these 35 USC § 101 issues. For example (proposal only), - -A computer-readable storage medium ... - -.

Claim Rejections – 35 USC § 112, second paragraph

12. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

13. Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 recites the limitation "*the corresponding component*" in line 2. There is insufficient antecedent basis for this limitation in the claim. Based on claims 22 and 34, the phrase is considered to read as - -the plurality of components- -.

Claim Rejections – 35 USC § 102

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

15. Claims 1-36 and 49-62 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 6,327,589 to Blewett et al. (hereinafter "Blewett").

Claim 1:

Blewett discloses a task library, a computer system, a computer-readable medium, and *a method for creating a task library on a computer* (e.g., FIG. 1-3 and related text), *comprising:*

obtaining task data for a plurality of components installed on the computer (e.g., col.4: 49-67; FIG. 3, step 315);

generating task links referencing the task data for the plurality of components according to a predetermined schema (e.g., FIG. 3, step 320; FIG. 4, col.7: 33 – col.8: 8); and

storing the task data and the task links as the task library (e.g., FIG. 2, Help Database 210; FIG. 3, step 325, Searchable Database; col.7: 2-32).

Claim 2:

The rejection of claim 1 is incorporated. Blewett also discloses *the plurality of components installed on the computer comprises at least one hardware component (e.g., FIG. 1,col.4: 49-67).*

Claim 3:

The rejection of claim 1 is incorporated. Blewett also discloses *the plurality of components installed on the computer comprises at least one software component (e.g., col.1: 40-67).*

Claim 4:

The rejection of claim 3 is incorporated. Blewett also discloses *the plurality of components installed on the computer comprises operating system components (e.g., col.5: 31-47).*

Claim 5:

The rejection of claim 1 is incorporated. Blewett also discloses *the plurality of components installed on the computer comprises at least one hardware component and at least one software component (e.g., FIG. 1, col.4: 49-67; col.1: 40-67).*

Claim 6:

The rejection of claim 1 is incorporated. Blewett also discloses *the plurality of components installed on the computer comprises at least one remote component (e.g., col.5: 48 – col.6: 6).*

Claim 7:

The rejection of claim 1 is incorporated. Blewett also discloses *the plurality of components installed on the computer are from a plurality of component providers (e.g., col.5: 4-29).*

Claim 8:

The rejection of claim 1 is incorporated. Blewett also discloses *the predetermined schema organizes the task links referencing the task data according to predetermined topics (e.g., col.2: 60 – col.3: 22).*

Claim 9:

The rejection of claim 1 is incorporated. Blewett also discloses *the predetermined schema organizes the task links referencing the task data according to an alphabetic ordering of the subject matter of the task data (e.g., col.9: 66 – col.10: 31).*

Claim 10:

The rejection of claim 1 is incorporated. Blewett also discloses *the task data comprises reference information to assist a user in regard to the corresponding component (e.g., col.2: 38-59).*

Claim 11:

The rejection of claim 10 is incorporated. Blewett also discloses *the task data further comprises a plurality of tasks, and wherein each task corresponds to a particular topic relating to its corresponding component (e.g., col.4: 49-67).*

Claim 12:

The rejection of claim 11 is incorporated. Blewett also discloses *a task of the task data is configured such that the corresponding component may be manipulated from within the task library (e.g., FIG. 5, block 535; FIG. 6, block 620).*

Claims 13-36:

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Claims 13-36 recite the same limitations as those of claims 1-12, wherein all claimed limitations have been addressed and/or set forth above. Therefore, as the reference teaches all of the limitations of the above claims, it also teaches all of the limitations of claims 13-36.

Claim 49:

Blewett discloses *a method for executing a task on a computer without changing component context from the current component, the method comprising:*

retrieving a plurality of tasks from a task library, the task library comprising a plurality of tasks from a plurality of components installed on the computer (e.g., col.7: 2-32);

displaying the retrieved tasks to a user (e.g., FIG. 5, block 535; FIG. 7, blocks 725 and 750);

detecting the user's selection of a displayed task (e.g., col.1: 22-39; col.3: 8-22); and

executing an action associated with the selected task without changing the apparent context from the current component (e.g., col.1: 12-39; col.3: 8-22).

Claims 50-54:

Claims 50-54 recite the same limitations as those of claims 1-5, wherein all claimed limitations have been addressed and/or set forth above. Therefore, as the reference teaches all of the limitations of the above claims, it also teaches all of the limitations of claims 50-54.

Claim 55:

The rejection of claim 49 is incorporated. Blewett also discloses *retrieving a plurality of tasks from the task library further comprises retrieving the plurality of tasks from the task library according to the current component's context (e.g., col.4: 49-65).*

Claim 56:

The rejection of claim 49 is incorporated. Blewett also discloses *the retrieved tasks are displayed to a user according to a determined relevancy of the tasks* (e.g., col.2: 60 – col.3: 22).

Claim 57:

The rejection of claim 56 is incorporated. Blewett also discloses *the retrieved tasks are displayed to a user according to a determined relevancy of the tasks, such that more relevant tasks are displayed more prominently to the user* (e.g., col.3: 1-22).

Claim 58:

The rejection of claim 56 is incorporated. Blewett also discloses *the determined relevancy of the tasks is determined according to the frequency with which the user has previously selected each task* (e.g., col.3: 23-43; col.4: 21-34).

Claim 59:

The rejection of claim 56 is incorporated. Blewett also discloses *the determined relevancy of the tasks is determined according to the frequency with which a plurality of users have previously selected each task* (e.g., col.4: 35-46).

Claim 60:

The rejection of claim 56 is incorporated. Blewett also discloses *determined relevancy of the tasks is determined according to computer state information* (e.g., col.4: 49-65).

Claim 61:

Claim 61 is a computer-readable medium version, which recites the same limitations as those of claim 1, wherein all claimed limitations have been addressed and/or set forth above. Therefore, as the reference teaches all of the limitations of the above claim, it also teaches all of the limitations of claim 61.

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Claim 62:

Claim 62 is a computer-readable medium version, which recites the same limitations as those of claim 49, wherein all claimed limitations have been addressed and/or set forth above. Therefore, as the reference teaches all of the limitations of the above claim, it also teaches all of the limitations of claim 62.

16. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

17. Claims 1, 13, 25, 49, and 61-62 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 7,024,658 to Cohen et al. (hereinafter "Cohen").

Claim 1:

Cohen discloses a task library, a computer system, a computer-readable medium, and a *method for creating a task library on a computer* (e.g., FIG. 1-2), *comprising:*

obtaining task data for a plurality of components installed on the computer (e.g., FIG. 4, blocks 400-402, col.7: 62 – col.8: 6);

generating task links referencing the task data for the plurality of components according to a predetermined schema (e.g., FIG. 4, blocks 404-410, col.8: 6-15; FIG. 2, block 215, col.4: 26-58); and

storing the task data and the task links as the task library (e.g., FIG. 4, blocks 400 and 406, col.7: 62 – col.8: 15; FIG. 2, block 215, col.4: 26-58).

Claims 13 and 25:

Claims 13 and 25 recite the same limitations as those of claim 1, wherein all claimed limitations have been addressed and/or set forth above. Therefore, as the reference teaches all of the limitations of the above claims, it also teaches all of the limitations of claims 13 and 25.

Claim 49:

Cohen discloses *a method for executing a task on a computer without changing component context from the current component, the method comprising:*

retrieving a plurality of tasks from a task library, the task library comprising a plurality of tasks from a plurality of components installed on the computer (e.g., FIG. 4, blocks 400-402, col.7: 62 – col.8: 6);

displaying the retrieved tasks to a user (e.g., FIG. 4, blocks 404-410, col.8: 6-15, col.4: 26-58);

detecting the user's selection of a displayed task (e.g., FIG. 4, blocks 400 and 406, col.7: 62 – col.8: 15; col.4: 26-58); and

executing an action associated with the selected task without changing the apparent context from the current component (e.g., FIG. 4, block 410, col.8: 1-15; FIG. 3C, col.6: 15-40).

Claim 61:

Claim 61 is a computer-readable medium version, which recites the same limitations as those of claim 1, wherein all claimed limitations have been addressed and/or set forth above. Therefore, as the reference teaches all of the limitations of the above claim, it also teaches all of the limitations of claim 61.

Claim 62:

Claim 62 is a computer-readable medium version, which recites the same limitations as those of claim 49, wherein all claimed limitations have been addressed

and/or set forth above. Therefore, as the reference teaches all of the limitations of the above claim, it also teaches all of the limitations of claim 62.

Conclusion

18. Any inquiry concerning this communication should be directed to examiner Thuy Dao (Twee), whose telephone is (571) 272 8570. The examiner can normally be reached on Monday, Tuesday, Thursday, and Friday from 6:00AM to 4:30PM.

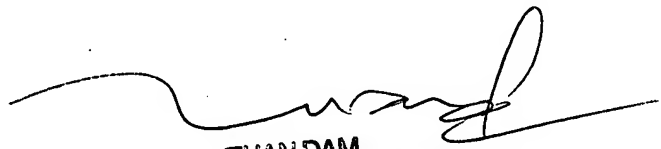
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam, can be reached at (571) 272 3695.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273 8300.

Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the TC 2100 Group receptionist whose telephone number is (571) 272 2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

T. Dao



TUAN DAM
SUPERVISORY PATENT EXAMINER